

Chapter 4

Election Campaign and Media

The election campaign

Campaigns during the 2013 elections in Kenya were held in a generally peaceful environment, though there were reports of isolated incidents of violence in some parts of the country. The campaigns were intense and appeared heavily financed, particularly for the two main coalitions, namely, Jubilee Alliance and the Coalition for Reforms and Democracy (CORD).

A main feature of the campaign period was the agreement by political parties and the Independent Electoral and Boundaries Commission on guidelines to ensure responsible practice. There were also guidelines by the National Cohesion and Integration Commission (NCIC), one of the bodies established by the country's new Constitution to facilitate and promote equality of opportunity, good relations, harmony and peaceful coexistence between persons of different ethnic and racial backgrounds in Kenya.

The NCIC, for example, flagged up key words in local languages that it barred from being used in campaign rallies. These were words considered to stir up ethnic hatred and stereotyping—a feature that was prevalent in the lead up to the controversial 2007 elections and during the subsequent violence.

Mobile phones, the primary medium used to spread violent messages during the 2007 elections were subjected to tight guidelines and scrutiny during the 2013 elections. The Communications Commission of Kenya (CCK) issued guidelines to political parties regarding the content of campaign messages using SMS messages. The mobile phone was no longer a free-for-all device for disseminating dubious content. Mobile telephone companies were required to register all SIM cards and to allocate unique internet protocol addresses to all phones on their networks, to make it easier to track down culprits.

According to the CCK guidelines, no political message was to contain offensive, threatening, abusive, insulting obscene or profane language. Political messages were not to contain inciting, threatening or discriminatory language intended to expose an individual or group of individuals to violence, hatred, hostility, discrimination or ridicule on the basis of ethnicity, tribe, race, colour, religion, gender or otherwise.

Politicians wanting to send bulk campaign text messages had to wait for at least 48 hours before dispatch in order for mobile phone service operators and CCK to vet content and reject anything they believed could be inciting.

The need for making political campaigns less ethnically divisive was identified after the 2007 elections. The election campaign then was aggressive, marred by hate speech and focused on personalities rather than political issues.

The call for peace and non-violence was therefore an overriding theme of the messages emanating from civil society, politicians, religious groups and the media. A key development in this regard was several peace rallies that were organised in the course of the campaign period. One such peace rally, organised one week prior to the elections was attended by six out of the eight presidential candidates who declared their continued commitment to peaceful and responsible conduct.

The election campaign was highly competitive, with political parties and candidates holding rallies and meetings across the country. There was extensive use of advertisement on radio, television and in newspapers. Posters, flags and billboards were in abundance. Candidates also used leaflets, road-shows, music and social media to reach their supporters. SMS messages were used to invite party supporters to rallies. Parties also ran websites on which they advertised their manifestos, news and information.

It appeared that considerable resources—financial and material—were used during the campaigns. In the absence of clear campaign finance legislation, which the country's previous parliament failed to approve, spending during the campaign period was largely unregulated. The Group noted that while existing campaign finance regulations prohibit political parties from obtaining foreign funding, reporting requirements for campaign expenditure were inadequate, except for funds provided by the state. The transparency of the electoral process could be enhanced by an early passage of campaign finance legislation.

The campaigns generally focused on issues, with the candidates putting across a spirited agenda on, for instance, job creation, infrastructure, and devolution of powers, security, education and health.

Members of the Group observed some of the last rallies in Nairobi and other areas where observers were deployed, and were impressed by the massive turn out and enthusiasm of the party supporters. The rallies were animated, colourful and peaceful.

For the first time in the country's history, two national presidential debates were organised by the media. All the eight candidates participated in the debates which were widely broadcast. The debates gave an opportunity to the candidates to explain their agenda and manifestos, and respond to some critical questions from the moderators and the public. Some of the key issues that dominated the debates included, the land question, ICC issues, corruption and management of the country's resources, as well as security.

Media coverage

The media in Kenya is vibrant, well developed and has a long tradition of being critical and

incisive in its reporting. Newspapers played a key role in the struggle for multiparty politics, highlighting and exposing corruption scandals and calling for the opening up of political and economic space in the country.

The new Constitution provides and guarantees in Articles 33, 34 and 35, freedom of expression and of the press. The articles provide for the freedom to seek, receive or impart information and ideas and independence of the media and the right to access information. The state is prohibited from interference with editorial decisions in both state as well as private media. The state media is required to be impartial and present a diversity of views.

Kenya has over 100 radio stations, 20 TV channels and over two dozen newspapers. Radio is the main source of news and information and played a key role in the 2013 elections. There is also a growing access to and use of the internet, with official statistics putting the figure at 28 per cent. Mobile phones were also an important tool for relaying election news and information, with over 30 million Kenyans owning a mobile phone.

Background and Context

The media in Kenya planned coverage of the election process for the 2013 polls conscious of the bitter criticism of their performance during the 2007 elections. In 2007, some media houses, notably the vernacular radio stations stirred tensions by taking sides and providing politicians with avenues to disseminate hate speech. As an example, one of the four ICC indictees was a DJ with a vernacular radio station.

As a result, both the Waki and Kriegler reports into the post-election violence of 2007/2008 referred to in earlier chapters, identified hate speech as a key issue and recommended improvements in media regulation. In this regard, the 2008 Kenya Communications (Amendment) Act was passed to address these issues. Also, the National Cohesion and Integration Commission (NCIC) was established in 2008 to deal with cases of hate speech. The National Cohesion and Integration Commission Act stipulates that a person convicted of hate speech shall receive a maximum fine of KShs 1 million (USD\$11,760), three years in jail or both. There were a number of reports in the lead up to the 2013 elections, of cases that were brought to the NCIC, but it was not clear what transpired. The Group was informed that the NCIC does not yet have full capacity to effectively undertake its work.

Furthermore, an enhanced media regulatory body, the Media Council of Kenya (MCK) was established by the 2008 Media Act to amongst other things: mediate or arbitrate in disputes between the government and the media, the public and the media and intra-media; promote and protect freedom and independence of the media; promote high professional standards among journalists; enhance professional collaboration among media practitioners; and promote ethical standards among journalists and in the media.

In preparation for the coverage of the 2013 elections, the MCK, in April 2012, together with media houses, the Independent Electoral and Boundaries Commission, Kenya Union of

Journalists, other media stakeholders and the government, developed binding media guidelines for reporting elections. The objective of the guidelines was to promote accurate, comprehensive, impartial, fair and responsible coverage of the elections and to ensure that journalists are sensitive to the risk of conflict. In this regard, the Group commends the media for adhering to the Guidelines to obtain election results exclusively from the IEBC as the official source.

Print media

Newspapers devoted detailed and substantial space to covering the election process, highlighting political party platforms, analysing party manifestos and activities of the Independent Electoral and Boundaries Commission and other state institutions. The Group was impressed by the special election coverage sections in most of the newspapers in Kenya that offered in-depth analysis and commentaries. The Group also commends the editorials of the major newspapers, such as The Daily Nation, The Standard, The Star and The People which consistently called for peaceful, violence-free behaviour from all stakeholders.

Radio

Radio provided robust coverage of the issues in the lead up to, during and after the elections. There were special programmes dedicated to discussing positions of political parties and their candidates. Unlike in 2007 when some radio stations were accused of being used by politicians to stir up ethnic hatred, this time coverage was more responsible.

Some radio stations even organised peace road shows, and many others played songs praising the virtues of patriotism and ethnic tolerance. In the lead up to the Election Day, there were special training programmes in ethical and responsible journalism, particularly for journalists working with vernacular broadcasting radio stations to enable them to appreciate the power and impact of their work and the need therefore to act responsibly. On polling day, there was live coverage of the process at locations around the country and phone-in callers and reporters provided live updates about events at the polling stations.

The Group was informed that to a large extent, the reporting guidelines agreed by media houses and the Media Council of Kenya were adhered to, and that there were very few cases of radio stations allowing their platforms to be used to disseminate inflammatory messages. The Media Council of Kenya also conducted a media monitoring service to, where necessary, detect and clamp down on the use of inflammatory and retrogressive language on radio television and in newspapers.

The state broadcaster – KBC

Kenya Broadcasting Corporation was established in 1998 by the KBC Act with a mandate to 'provide independent and impartial broadcasting services of information, education and entertainment.' During elections, the Kenya Broadcasting Corporation Act requires KBC to

maintain a fair balance in the allocation of broadcasting hours to different political views; and in consultation with the Electoral Commission, during the campaign period preceding any election, allocate free air time to registered parties participating in the election. The Group was informed that KBC made efforts to live up to this requirement, although complaints were raised by smaller parties that the broadcaster focused attention more on the two main coalitions—Jubilee and CORD.

Television

Television broadcasters invested heavily—both financially and technically—in coverage of the 2013 elections. Most of the major TV stations had correspondents all over the country, providing live coverage on Election Day. In the lead up to the polls, there were several special election programmes that featured candidates, commentators and analysts, breaking down political party manifestos and analysing party programmes and policies. The analysis on television was rich, diverse and informative.

There was a commendable attempt by the TV stations to provide equitable coverage of the major presidential candidates. However, one complaint was that the coverage tended to focus more on the national races, and less on the devolved county campaigns.

An impressive feature of the 2013 election, as earlier alluded to, was the hosting of live television debates for the eight presidential candidates. The debates were relayed simultaneously online and on radio, reaching millions of Kenyans. The initiative to hold the debates was driven by media houses together with the Media Council of Kenya. The Group commends the media for this achievement and notes that it was an important platform for engaging the candidates on their policies and programmes.

International media

The 2013 Kenya election was covered by an unprecedented high number of international media and journalists. The election featured prominently on the news agenda of most global media houses, not least because of what happened in 2007/2008, but also, because of the issues surrounding the candidates and their programmes. However, there were reports that sections of foreign media filed biased and unfounded reports. Given the trust and credibility the global community places in international media, it is imperative that foreign media, exercise a high level of responsibility in their reporting.

Use of social media

There is a growing number of Kenyans using social media platforms such as Facebook, YouTube, Twitter, websites, etc. The IEBC also used social media to keep the public updated on developments before, during and after the elections. These platforms were also used as political campaign tools. The ability to access internet on mobile phones enabled people to follow campaign issues almost in real-time. Candidates made announcements about

forthcoming events on these social media platforms and engaged in discussions with supporters online.

The Group noted that websites of radio stations were well updated, and that there was live streaming of videos on websites of television stations and newspapers. TV stations also solicited contributions from the public using mobile technology, a feature that enhanced the quality of the coverage of the election story.

Conclusion

The Commonwealth Observer Group was generally satisfied with the way the domestic media covered the 2013 elections and the role it played in informing the voters about the issues in the election and the contribution media made to the quality of the process. Media is to be commended for calling for patience and calm during the whole election process, particularly during the counting, tallying and announcement of results.

Recommendations

- The National Cohesion and Integration Commission, the Media Council of Kenya and the Communications Commission of Kenya should be adequately financed and equipped to efficiently and effectively fulfil their respective mandates.
- Adherence to guidelines for responsible and ethical coverage of elections should be maintained and strengthened in the period after the elections.
- The Group also recommends training programmes on how media can cover the newly-created elective institutions.